

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,) Case No. 8:12CR271
Plaintiff,)
vs.)
PAUL A. ROSBERG,) ORDER
Defendant.)

This case is before the court on the defendant Paul A. Rosberg's Amended Brief/Motion for Discovery (#22). The motion requests discovery pursuant to Rule 16 of the Federal Rules of Criminal Procedure¹. Specifically, the motion requests fifteen numbered categories of discovery. The government filed a Response to the defendant's motion for discovery (#27) containing specific responses to each of the requests. After careful consideration of the defendant's amended motion, the government's response, and Rule 16, I find defendant's motion should be granted in part and denied in part, as follows:

1. The motion is granted as to items 1 through 9.
2. The motion is denied as to the following, for the reason stated:
 - a. Item 10, beyond the scope of Rule 16.
 - b. Item 11, overly broad and as stated, beyond the scope of Rule 16.
 - c. Items 12, 13, 14, and 15, are not in the possession of the government and are, therefore, not subject to discovery.
3. The court again advises Rosberg that a *pro se* litigant is required to follow the local rules for the District of Nebraska and the Federal Rules of Criminal Procedure. While

¹ The government has not adopted an open-file policy in this case.

he has the right to represent himself, the court again suggests that he carefully reconsider his decision to proceed *pro se* and avail himself of services available through legal counsel.

IT IS ORDERED:

1. Defendant's Amended Brief/Motion for Discovery (#22) is granted as to requests 1 through 9 and denied as to requests 10 through 15.
2. Defendant's request for an evidentiary hearing on his amended motion for discovery (#22) is denied. A hearing is unnecessary as the issues within the motion are determined from the pleadings as a matter of law.
3. The clerk of the court is directed to mail a copy of this order to the defendant at his last known address.

Dated this 11th day of October 2012.

BY THE COURT:

S/ F.A. Gossett, III
United States Magistrate Judge

NOTICE

A party may object to a magistrate judge's order by filing an "Objection to Magistrate Judge's Order" within 14 days after being served with the order. The objecting party must comply with all requirements of NECrimR 59.2.